

In The United States District Court
For The Western District of Virginia

Brian David Hill (USWGO),
Plaintiff,

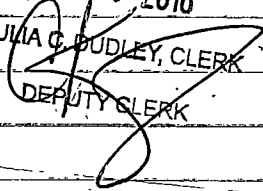
Civil case no.
7:18-cv-499

v.

Martinsville City Jail,
Martinsville Police Dept.,
Defendant(s)

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

NOV 08 2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

Declaration In Support of Complaint, Doc. #1, 2

I, Brian David Hill, file this Declaration with the honorable court, subject to the penalties of perjury thereof, and consents to the Defendants' being given additional time/days to respond to this Declaration. I produce the following statements under Oath:

November 1, 2018:

(1) Around yesterday or another day, my blood sugar in the early morning was in the 100 range. Officer Duncan let me take 10 or 11 units of NovoLog insulin around the time that I ate breakfast. Because of that and a little exercise, and I drank the juice but did not drink the coffee, my blood sugar was 77 or around that number. Because the insulin was administered around the time that I ate, the insulin covered the carbohydrates/glucose of my breakfast meal. If I had drunk the coffee at breakfast, it likely would have been in the 100-200 range. My blood sugars are better controlled when I am given insulin before eating or during mealtime. They don't run high a lot. Sliding scale and insulin for meals eaten should be used together, to maintain safe blood sugar levels to prevent permanent damage.

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Officer Duncan trusted my judgement by letting me do insulin for breakfast, and the reward is lower blood sugars around the normal range. My Doctor from Carilion Clinic agrees to both sliding scale and insulin-to-carb ratio. That is because my form of Type 1 juvenile Diabetes is more rare, known as "brittle" diabetes. Officer Duncan's method of trusting my judgement instead of using only the standard sliding scale keeps my blood sugars under better control. I am a carb-counter, and the Jail needs to trust my judgement or use the insulin-to-carb ratio along with my sliding scale. The officers test around every meal. They can do it. MCJ can do it, I hope.

(2) The reason why I had included Martinsville Police Department ("MPD") in this lawsuit is because it is their fault that I am suffering. They failed or refused to investigate my statements made to MPD Officer SGT. R.D. Jones that around September 20, 2018, between 11:00PM to midnight, a guy wearing a hoodie had told me around the warehouse around the area of downtown Martinsville and right where there was access to the Dick and Willie hiking trail, told me that if I don't get naked in public and take photos of myself and place the SP card at the drop off point at the next bench after Southern Finishing factory, he said that "your Mother Roberta Hill will be 'killed'". This sounded like a set up or blackmail operation. I brought up the same story with lawyer Scott Albrecht in September, and in my Federal 2255 case status report, case no. 1:13-cr-435, docs. 125 on up is Brian David Hill v. United States, Middle District of North Carolina. The MPD failed in their duties.

Because the MPD police officers have failed me and failed to recognize me as a victim of crime I have mailed letters to (1) the FBI office of Lynchburg, VA; (2) the U.S. Marshals Service of Greensboro, NC; the Virginia Attorney General which is 3(3); (4) the Virginia Governor; (5) the City of Martinsville Mayor Gene Teague; (6) the U.S. Probation Officer Jason McMurray; (7) The White House; and (8) the Greensboro, NC federal court. I cannot trust the police of MPD, I cannot trust them anymore. They feel it is easier to arrest me rather than believe me. They didn't want to document who my enemies are. The police have failed to protect me and my family. I am a victim of federal crimes. My family knows I am a victim being pushed to commit suicide rather than the U.S. Justice Department admitting that I am innocent in my Federal criminal case, that I had demonstrated facts of actual innocence. The Asst. U.S. Attorney rather ignore evidence that is valid in my 2255 case. Martinsville Police Department also rather ignore evidence such as my testimony, the threatening greeting card that was directed at my Mother from Tennessee with no return address, the Tormail.org threatening message, and ignore asking my family questions rather than do their job. MPD failed justice. I am wrongfully in Jail because of MPD. That opens up the Jail and MPD to possible civil liability by not doing their jobs as law enforcement officers. Assistant Public Defender Scott Albrecht at 10 East Main st, Martinsville, VA 24114, Phone no. 276-666-2206, told me that I am innocent because we have a defense. The Jail and MPD are hereby notified that I am innocent under a defense. I had no sexual intent. I have Autism. I was threatened to get naked. When cars saw me naked, my left hand was over my mouth to signal that I was in trouble, needed help, and was afraid to speak.

I lost it mentally because I didn't know how to handle the situation of being threatened to get naked. It was my first time being threatened in this manner. I received Tormail threats but never a threat of this magnitude. The Police failed me, the Jail failed me, they failed the justice.

(3) There is no law library at all in Martinsville City Jail. They have policy to destroy envelopes, even legal mail envelopes when envelopes alone are important pieces of evidence in both Federal and State Courts. The policy of destroying envelopes alone is spoliation of evidence. That policy deprives me of important evidence and due process. I feel that policy is unconstitutional. The severe limits on Flexpens, pieces of paper, and envelopes/stamps for indigent Pro Se litigants prevent briefs from being filed properly. How can court rules and properly filed pleadings be possible with the Jail policies? There is no access to a copy of the Federal Court procedure rules, no law library, no case law research. How can I be expected to file Pro Se motions and briefs/memorandums of law without a lawyer in a maximum security type of facility with no law library, with limits on pens and paper, with spoliation of evidence, and not receiving proper medical care? I am deprived of access to our public laws, case law and evidence to aid in proving my claims in any court of law whether state or federal.

(4) Proving actual innocence for my ongoing 2255 case (1:13-cr-435) is impossible while I am detained at Martinsville City Jail. I can't gather evidence Pro Se. I cannot properly file valid motions under the rules without a lawyer or law library.

I cannot cite rules. I cannot cite laws. I cannot cite case law. I cannot gather the needed or necessary evidence. All while detained at Martinsville City Jail ("MCJ"). I am restricted to such extent where I have no access to any of my past pleadings for my 2255 and criminal case. I won't be able to file proper, effective, and ~~pursasive~~ persuasive responses to the United States of America in my 2255 case. I won't be able to prove fraud on the Court (Chambers v. Nasco) by Anand Prakash Ramaswamy AUSA while detained. The Jail policies and MPD's unprofessional errors by not accepting my testimony on September 21, 2018, to Sgt. R.D. Jones, has unconstitutionally fettered with my ability to continue my Federal Writ of Habeas Corpus 2255 motion. They are ruining my ability to prove actual innocence. I am unable to research the case law necessary to file a Writ of Certiorari in the U.S. Supreme Court for case Brian David Hill v. Executive Office for U.S. Attorneys et al, case no 4:17-cv-27, 4th circuit appeal of the Western District of Virginia. I was forced to write a letter to the clerk of the Supreme Court to request an extension of time for filing a Writ of Certiorari hoping that it gives me enough time to file my opening brief for when I am released from Jail. All I can do properly file is Status Reports and Declarations and complaints. At this point I need a lawyer or law library to continue my 2255 case. MCJ needs to do something to safeguard my due process rights, give me access to legal research, and other Constitutional rights I am entitled to. MCJ has engaged in depriving me of Federal Writ of Habeas Corpus.

Multiple Officers argued that I am not under Federal custody at all, despite the fact I am still serving a sentence of supervised release by the U.S. Probation Office, but only state custody. They don't care about my Federal Writ of Habeas Corpus.

The guy wearing the hoodie that threatened to kill my Mother got what they wanted, a perfect crime. MCJ and MPD has violated my legal rights as a victim of crime, deprived me of my 2255 case, and destroyed any hope of me ~~the~~ proving my actual innocence, and slowly ruining my health in the process.

- I consent to Defendants' getting any additional days necessary to respond to this Declaration. I ask the Court to consider this as supporting documentation as part of my original Complaint in case I declare under penalty of perjury that the foregoing is true and correct.

Executed on Nov. 1, 2018.

Respectfully filed with the Court, this the 2nd day of November, 2018.

- Certificate of Service -

I certify that I deposited the foregoing pleading in a prepaid envelope, in the Institution's mail box, directing that it be mailed to the Clerk of the Court. This the 2nd day of November 2018.

I request that a copy of this pleading be served on all parties by U.S. mail or Notice of Electronic Filing by CM/ECF.

Brian D. Hill
Signed

Brian David Hill
#302165

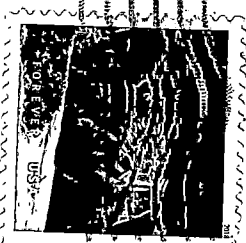
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LEGAL MAIL